

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

March 5, 2007

The Marlboro Township Council held its re-scheduled meeting on March 5, 2007 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Cantor opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of the re-scheduled meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on February 26, 2007; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilwoman Morelli, Councilman Pernice, Council Vice President Rosenthal, Councilwoman Tragni and Council President Cantor.

Also present were: Mayor Robert Kleinberg, Jennifer Schwartz, Esq., Municipal Clerk Alida DeGaeta, and Deputy Clerk Deborah Usalowicz.

Council President Cantor opened the Public Hearing on Ordinance # 2007-4 (Amending Chapter 84 - Height of Buildings). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution Res. # 2007-97/Ord. # 2007-4 (Amend Chapter 84 - Height of Buildings) was introduced by reference, offered by Councilwoman Morelli and seconded by Councilwoman Tragni. After discussion, the resolution/ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-97

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-4

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 84
"LAND USE DEVELOPMENT AND REGULATIONS" OF THE CODE OF
THE TOWNSHIP OF MARLBORO TO CLARIFY BUILDING HEIGHT REQUIREMENTS

which was introduced on February 1, 2007, public hearing held March 5, 2007, be adopted on second and final reading this 5th day of March, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Cantor opened the Public Hearing on Ordinance # 2007-6 (Allowing Sponsorship of Non-Residents - Swim Facility). After the public hearing was held and closed, discussion followed. After discussion, motion to amend Ord. # 2007-6 (Allowing Sponsorship of Non-Residents - Swim Facility) was offered by Councilwoman Morelli, seconded by Councilwoman Tragni and passed on a roll call vote of 5 - 0 in favor. The following Resolution Res. # 2007-98/Ord. # 2007-6 - As Amended (Allowing Sponsorship of Non-Residents - Swim Facility) was introduced by reference, offered by Councilwoman Tragni, seconded by Councilwoman Morelli and passed on a roll call vote of 4 - 1 in favor with Council Vice President Rosenthal voting no.

RESOLUTION # 2007-98

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-6 (As Amended)

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 132
"TOWNSHIP SWIM UTILITY, MARLBORO SWIM CLUB AND MARLBORO
AQUATIC CENTER" OF THE CODE OF THE TOWNSHIP OF MARLBORO

which was introduced on February 15, 2007, public hearing held March 5, 2007, be adopted on second and final reading this 5th day of March, 2007.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council took a five minute recess.

The following Res. # 2007-99/Ord. # 2007-7 (Amending Chapter 4 - Deleting Department of Public Information) was introduced by reference, offered by Councilwoman Tragni and seconded by Councilwoman Morelli. After discussion, the resolution/Ordinance was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-99

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2007-7

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT" OF THE CODE OF THE TOWNSHIP OF MARLBORO
TO REMOVE THE DEPARTMENT OF PUBLIC INFORMATION

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on March 15, 2007 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2007-7

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 4 "ADMINISTRATION OF GOVERNMENT" OF THE CODE OF THE TOWNSHIP OF MARLBORO
TO REMOVE THE DEPARTMENT OF PUBLIC INFORMATION

WHEREAS, Chapter 4 "Administration of Government" currently provides for a Department of Public Information; and

WHEREAS, over time, the Department of Public Information has become obsolete and many of the duties previously performed by that Department are performed by the Department of Administration; and

WHEREAS, in order to ensure that the Code of the Township of Marlboro accurately reflects the organization of the Township government, the Township Council desires to remove the Department of Public Information from the Code.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, in the County of Monmouth and State of New Jersey that subsection B of Section 4-34 "Departments, offices, agencies and commissions" of Chapter 4 "Administration of Government" be and hereby is amended to delete the reference to the "Department of Public Information" and that the remaining portions of that subsection be recodified accordingly; and

BE IT FURTHER ORDAINED, that Article XIII "Department of Public Information" of Chapter 4 "Administration of Government" be deleted in its entirety and that the remaining sections of Chapter 4 be recodified accordingly; and

BE IT FURTHER ORDAINED, that any remaining references in the Code of the Township of Marlboro to the "Department of Public Information" be changed to "Department of Administration"; and

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect on upon passage and publication in accordance with applicable law.

The following Res. # 2007-100 (Authorizing Contract - Monmouth Conservation - consulting Services - Open Space) was introduced by reference, offered by Councilwoman Morelli and seconded by Councilman Pernice. After discussion, the resolution was passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-100

A RESOLUTION AUTHORIZING THE EXECUTION OF A PROFESSIONAL
SERVICES CONTRACT BETWEEN MONMOUTH CONSERVATION FOUNDATION
AND THE TOWNSHIP OF MARLBORO FOR CONSULTING SERVICES
IN CONNECTION WITH OPEN SPACE

WHEREAS, the Township of Marlboro is in need of consulting services in connection with Open Space; and

WHEREAS, the Township has requested proposals through a non-fair and open process pursuant to the provisions of N.J.S.A. 19:44A-20.4; and

WHEREAS, Monmouth Conservation Foundation has submitted the attached proposal dated February 21, 2007 (the "Proposal") to the Township of Marlboro to provide the aforementioned professional services for an amount not to exceed \$10,000.00; and

WHEREAS, the Township Council has deemed it necessary and in the best interest of the municipality to hire Monmouth Conservation Foundation to provide the required professional services in accordance with the Proposal; and

WHEREAS, the services to be provided are considered to be "Professional Services" pursuant to the Local Public Contracts Law, N.J.S.A. 40A:11-1, *et seq.*; and

WHEREAS, the Local Public Contracts Law authorizes the awarding of a contract for "Professional Services" without public advertising for bids and bidding therefore, provided that the Resolution authorizing the contract and the contract itself be available for public inspection in the office of the Municipal Clerk and that notice of the awarding of the contract be published in a newspaper of general circulation in the municipality.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor is hereby authorized to execute a contract, in a form legally acceptable to the Township Attorney, between Monmouth Conservation Foundation and the Township of Marlboro to provide the required professional services in accordance with the Proposal; and

BE IT FURTHER RESOLVED, that the Certified Financial Officer has executed a Certification of Funds for the contract, which is attached hereto, and that sufficient funds are available for said contact from Account Number T-15-56-859-815.

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Monmouth Conservation Foundation
P.O. Box 4150
Middletown, NJ 07748-4150
- b. Township Administrator
- c. Township Chief Financial Officer
- d. Gluck Walrath, LLP

The following Res. # 2007-101 (Cancelling Taxes - McCarron Property - Block 155, L. 13.03 & L. 13.03Q) was introduced by reference, offered by Councilwoman Morelli, seconded by Council President Cantor and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-101

WHEREAS, the attached list, known as Schedule "A", is comprised of Blocks and Lots with outstanding taxes for the 2007 second quarter,

WHEREAS, the aforementioned properties were conveyed to the Township of Marlboro, and are exempt as of February 9th, 2007,

WHEREAS, this is now Township property, the Tax Collector has recommended that the 2007 second quarter taxes be cancelled,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro to cancel the 2007 second quarter taxes totaling \$1,995.04 as specified above.

The following Res. # 2007-102 (Supporting Agreement with NJDOT - Route 9 & 520 - Off-duty Police Officers) was introduced by reference, offered by Councilwoman Morelli, seconded by Council Vice President Rosenthal and passed on a roll call vote of 5 - 0 in favor.

RESOLUTION # 2007-102

A RESOLUTION AUTHORIZING THE EXECUTION OF AN AGREEMENT
BETWEEN THE NEW JERSEY DEPARTMENT OF TRANSPORTATION
AND THE TOWNSHIP OF MARLBORO TO PROVIDE MUNICIPAL
POLICE OFFICERS FOR THE STATE CONSTRUCTION PROJECT ON
ROUTE 9 BETWEEN ROUTE 520 AND TEXAS ROAD

WHEREAS, the New Jersey Department of Transportation (the "State") will be performing a construction project on Route 9 between Route 520 and Texas Road (the "Project"); and

WHEREAS, the Project will require the use of Township of Marlboro police officers, marked vehicles and equipment for work zone safety operations; and

WHEREAS, the State will pay the Township of Marlboro on an hourly basis for police officers, marked vehicles and equipment utilized on the Project; and

WHEREAS, the Township Council desires to authorize the execution of an agreement between the State and the Township of Marlboro for the provision of police officers, marked vehicles and equipment for the Project.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Mayor or his authorized designee be and hereby is authorized to execute an agreement in a form substantially identical to that attached hereto between the State and the Township of Marlboro for the provision of police officers, marked vehicles and equipment for the Project at such hourly fees set forth on the Statement of Cost attached to said agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. New Jersey Department of Transportation
- b. Chief of Police
- c. Business Administrator
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

As the consent agenda, the following Resolutions were introduced by reference, offered by Councilwoman Morelli, seconded by Councilman Pernice and passed on a roll call vote of 5 - 0 in favor: Res. #2007-103 (Refund of

Application Fee - B. 269, L. 19), Res. #2007-104 (Change Order - Curbs & Sidewalks), Res. #2007-105 (Authorization to Bid - Farming on various Township Properties).

RESOLUTION # 2007-103

A RESOLUTION AUTHORIZING THE REFUNDING OF APPLICATION AND ESCROW FEES PAID TO THE TOWNSHIP OF MARLBORO PLANNING BOARD BY APPLICANT HOWARD ALBERT D/B/A ARTIC AIR CONDITIONING, INC.

WHEREAS, in connection with an application transferred to the Township of Marlboro Planning Board concerning Block 269, Lot 19 (the "Property"), the applicant, Howard Albert d/b/a Artic Air Conditioning, Inc. (the "Applicant"), paid to the Township of Marlboro Planning Board certain required application and escrow fees; and

WHEREAS, the Applicant has withdrawn his application concerning the Property and has requested that the unused portion of the application and escrow fees be returned; and

WHEREAS, the Administrative Officer of the Township of Marlboro Planning Board has advised that said unused portion of the application and escrow fees amounts to \$1,080.00.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the Administrative Officer of the Township of Marlboro Planning Board be and hereby is authorized to return to the Applicant the unused portion of the application and escrow fees concerning the Property in the total amount of \$1,080.00.

RESOLUTION # 2007-104

RESOLUTION AUTHORIZING CHANGE ORDER
NO.1, NJDOT SAFE STREETS TO SCHOOLS - FY 2005
PROPOSED SIDEWALKS AND CURBS - ENGINEERING

WHEREAS, by Resolution No. 2006-187, the Township of Marlboro authorized an Agreement between the Township of Marlboro and Lucas Brothers, Inc. for the provision of curb and sidewalk improvements to Route 79 for the Department of Engineering for an amount not to exceed \$124,531.60 (the "Agreement"); and

WHEREAS, the Township Engineer recommends the authorization of Change Order No. 1 decreasing that Agreement in the amount of \$1,203.80 for a total contract amount of \$123,327.80.

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Mayor is hereby authorized to execute and the Municipal Clerk to attest to Change Order No. 1 to the Agreement between the Township of Marlboro and Lucas Brothers, Inc., in the form attached hereto, for a decrease of \$1,203.80 for a total contract amount of \$123,327.80;
2. That a certified copy of this resolution shall be provided to each of the following:
 - A. Lucas Brothers, Inc.
 - B. Township Engineer
 - C. Chief Financial Officer
 - D. Gluck Walrath, LLP

RESOLUTION # 2007-105

BE IT RESOLVED by the Township Council of the Township of Marlboro that the Business Administrator is hereby authorized and directed to advertise for open competitive bids for the following said work, and/or materials as required by law:

Farming - Various Township Properties

The following items were carried to the March 15, 2007 agenda: Item #12 (Tax Collector Resolutions), Item #13 (Bond Release - Dr. Cilea Site Plan), Item #14 (Bond Release - Four Columns), Item #15 (Bond Release - Georgetown Estates I) and Item #16 (Bond Release - Georgetown Estates II), Item #17 (Bond Reduction - Rosemont Estates I & II) and Item #18 (Bond Release - Grading/Clearing - Marlboro Grande).

At 9:20PM, Councilwoman Morelli moved that the meeting be adjourned. This was seconded by Councilwoman Tragni, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: April 26, 2007

OFFERED BY: Rosenthal AYES: 5

SECONDED BY: Pernice NAYS: 0

ALIDA DE GAETA,
MUNICIPAL CLERK

JEFF CANTOR,
COUNCIL PRESIDENT